

REMARKS

The Office Action of 10/20/2006 has been carefully considered. In response thereto, the title, specification and claims have been amended as set forth above. Reconsideration in view of the foregoing amendments and the present Remarks is respectfully requested.

The provisional obviousness-type double patenting rejection is noted.

Claims 1 and 12 have been amended to remove the language "and/or" and replace it with "and."

Claims 1, 7, 12 and 18 were rejected as being anticipated by Robertson. Claims 1-24 were rejected as being unpatentable over Bender in view of Robertson. These rejections are respectfully traversed.

A feature of the invention as presently claimed is a second counter for counting the number of data elements written into a FIFO memory. When the second counter has reached a predetermined number N, control means issues a first message. Output means forwards the first message to a controller.

No such combination of features is taught or suggested by Robertson.

In Robertson (Figure 4), a second counter 252 counts the number of entries stored in a FIFO 410. The rejection states "[W]hen the remote counter [252] is decremented, i.e. reaches the number N which is one less than the current count N + 1, confirm decrement signal is issued." The number N in such an instance is not believed to be a "predetermined number N" as recited. Nevertheless, the claims have been amended to further make clear that the number N is reached by *incrementing* of the count of the second counter after a data element has been written into the FIFO memory, unlike Robertson.

Withdrawal of the rejections and allowance of claims 1-23 is respectfully
requested.

Respectfully submitted,



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